

**CLOSED**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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WARREN GORE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Crim. A. No. 90-304 (SRC)

**ORDER**

**Chesler, U.S.D.J.**

This matter having come before the Court on a motion by *pro se* Petitioner Warren Gore seeking appointment of counsel [Docket Entry No. 36], and a motion filed by the United States of America (hereinafter “the Government”) to dismiss [Docket Entry No. 33] a petition for relief pursuant to the writ of *audita querela*, 28 U.S.C. § 1651, (“the Petition”) filed by Petitioner to vacate, set aside or correct his sentence; and the Petitioner having opposed the Government’s motion to dismiss; and the Court having considered the parties’ written submissions in connection with these motions; and for the reasons expressed in the Opinion filed herewith,

**IT IS** on this 20th day of February, 2009,

**ORDERED** that the Government’s motion to dismiss the Petition [Docket Entry No. 33] is **GRANTED** and the Petition is **DISMISSED** without prejudice; and it is further

**ORDERED** that Petitioner’s application for appointment of counsel [Docket Entry No. 36] is **DENIED**; and it is further

**ORDERED** that this case is **CLOSED**.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge